

Sign Special Permit #16-07
340-344 Great Road, Acton Woods Plaza
May 3, 2016



Planning Board

TOWN OF ACTON
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DECISION

#16-07

340-344 Great Road – Acton Woods Plaza

Sign Special Permit

May 3, 2016

GRANTED with CONDITIONS

Decision of the Acton Planning Board (hereinafter the Board) on the application of Robert Stone c/o Cres LLC (hereinafter the Applicant) of 50 Salem Street Lynnfield, MA 01940 for property in Acton, Massachusetts. The property is located at 340-344 Great Road and shown on the Acton Town Atlas map D4-28 (hereinafter the Site), owned by Acton Woods Plaza Association LLC of 50 Salem Street Lynnfield, MA 01940.

This Decision is in response to an application for a Sign Special Permit, received by the Acton Planning Department on March 24, 2016 pursuant to Section 7.13 of the Acton Zoning Bylaw (hereinafter the Bylaw) and the Sign Special Permit Rules and Regulations (hereinafter the Rules).

The Applicant presented the subject matter of the special permit to the Board at a duly noticed public hearing on May 3, 2016. Board members **Mr. Jeff Clymer (Chairman), Mr. Ray Yacouby, Mr. Derrick Chin, Mr. Mike Mai, Mr. Michael Dube, and Mr. Bharat Shah**, were present throughout the hearing. The minutes of the hearing and submissions on which this decision is based upon may be referred to in the Planning Department or the Town Clerk's office at the Acton Town Hall.

1 EXHIBITS

Submitted for the Board's deliberation were the following exhibits:

1.1 Items and documentation required by the Rules consisting of:

- A properly executed Application for a Sign Special Permit, received by the Planning Department on March 24, 2016
- Narrative Letter from the Applicant
- Location of Sign
- Existing Sign
- Sign Renderings;
- Certified abutters List;
- Revised Sign Dimensions - Submitted on April 15, 2016

- 1.2 Interdepartmental communication received from:
- Engineering Department Memo dated March 31, 2016;
 - Planning Department Memo dated April 21, 2016.

Exhibit 1.1 is referred to herein as the Plan.

2 FINDINGS and CONCLUSIONS

Based upon its review of the exhibits and the record of the proceedings the Board finds and concludes that:

- 2.1 The Site is located within the Limited Business (LB) zoning district.
- 2.2 The proposed sign serves all of the business tenants in the shopping plaza.
- 2.3 The Applicant request a Sign Special Permit for a new Freestanding Sign at the Site that would not otherwise be allowed under the Bylaw.
- 2.4 The Freestanding Sign will be located at the plaza entrance that is located on Great Road.
- a) The proposed Freestanding Sign would replace the current Freestanding Sign.
 - b) The Bylaw allows by right a Freestanding Sign to have a maximum display area of 24 because the plaza is considered as a Business Center (§7.8.5.2).
 - c) The proposed total display area is 40 square feet.
 - d) It may be allowed on the Site by Special Permit in accordance with Section 7.13.1.2 (b under the Bylaw.
 - e) The required landscape area for the proposed sign under Section 7.8.3 in the Bylaw is calculated for a total of 324 square feet. From the information and photographs that were provided, the location meets the minimum landscape area that is required under the bylaw.
 - f) It will be internally illuminated by using LED illumination. It is all interior illuminated with solid black background with no light shining through.
- 2.1 The proposed Freestanding Sign shall be placed so that it cannot obstruct the sight distance of vehicles in the site or on the adjacent road. In no case shall it be installed less than 9 feet back from the Great Road right-of-way sideline.
- 2.2 The Sign is consistent with the character and uses of the area and with the Zoning District in which it will be located.
- 2.3 The Sign is appropriate in scale, design, and proportion relative to the buildings in the area and to the general surroundings. The Sign is attractively designed, appropriately located, and will be compatible with the buildings to which it principally relates, and are in harmony with the general area and character of the LB zoning district.
- 2.4 The colors and materials of the Sign is restrained, and in harmony with the buildings.
- 2.5 The materials used for the Sign are appropriate and do not detract from the aesthetic qualities of the surroundings.
- 2.6 The number of graphic elements on the Sign is held to the minimum needed to convey its primary message and is in good proportion to the area of the Sign's face.

- 2.7 The Sign will not unduly compete for attention with any other signs in the area.
- 2.8 The Sign is necessary for adequate identification of the different businesses at this Site.
- 2.9 The Sign as approved and conditioned herein is appropriate for the Site; is consistent with the Master Plan; is in harmony with the purpose and intent of the Bylaw, specifically Section 7; will not be detrimental or injurious to the neighborhood where it is proposed; and comply in all respects to the applicable requirements of the Bylaw and the Rules.
- 2.10 The Board has received memos from both the Engineering and the Planning Departments, which are listed in Exhibit 1.2 above. The Board considered the comments in its deliberations, made them available to the Applicant, and incorporated them into this Decision as deemed appropriate.

3 BOARD ACTION

Therefore, the Board voted to GRANT the requested Special Permit subject to and with the benefit of the following conditions, and limitations.

3.1 CONDITIONS

The following conditions shall be binding on the Applicant and its successors and assigns, and shall be enforceable by the Zoning Enforcement Officer (ZEO) in his administration of the sign permit under Section 7.6 of the Bylaw. Failure to adhere to these conditions shall render this Special Permit null and void, without force and effect, and shall constitute grounds for the revocation of this Special Permit, and of any sign permit issued by the ZEO hereunder. The Town of Acton may elect to enforce compliance with this Special Permit using any and all powers available to it under the law.

- 3.1.1 Prior to erecting the Sign, the Applicant shall obtain a sign permit from the ZEO pursuant to Section 7.6 of the Bylaw.
- 3.1.2 The Sign shall be erected in accordance with the approved Plan and this Decision, and shall otherwise comply with all applicable requirements of the Bylaw.
 - a) The sign illumination must comply with the illumination standards in Section 7.4.3 under the Bylaw.
 - b) This Sign must comply with the landscape area requirement under Section 7.8.3 under the Bylaw.
- 3.1.3 All taxes, penalties and back charges resulting from the non-payment of taxes, if any, shall be paid in full prior to issuance of the sign permit.

3.3 LIMITATIONS

This Special Permit shall be limited as follows:

- 3.3.1 The foregoing conditions have been stated for the purpose of emphasizing their importance, but are not intended to be all-inclusive or to negate the remainder of the Bylaw and the Rules.
- 3.3.2 This Special Permit applies only to the Site identified in this decision and to the proposed Sign as shown on the Plan.
- 3.3.3 Other approvals or permits required by the Bylaw, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this decision.
- 3.3.4 This Special Permit shall lapse if substantial use thereof has not commenced within two years of the filing date of this decision with the Town Clerk, except for good cause, or if construction under this Special Permit is not continued through to completion as continuously and

expeditiously as is reasonable. A request to extend said time limits must be made in writing to the Board at least 30 days prior to said expiration dates. The Board herewith reserves its rights and powers to grant or deny such extension, to issue any appropriate changes to the Special Permit and to require any appropriate modifications of the Plan.

- 3.3.5 The Board hereby reserves its right and power to modify or amend the Plan and the terms and conditions of this Special Permit with or without a public hearing upon the request of the Applicant, his designees or assigns, or upon its own motion.

4 APPEALS

Appeals, if any, shall be made pursuant to MGL, Ch. 40A, S. 17 and shall be filed within 20 days after the date of filing this decision with the Town Clerk.

Signed on behalf of the Acton Planning Board

Roland Bartl, AICP, Planning Director
for the Town of Acton Planning Board

This is to certify that the 20-day appeal period on this decision has passed and there have been no appeals made to this office.

Eva Szkaradek, Town Clerk

Date

Copies furnished:

Applicant -
certified mail #
Town Clerk
Owner

Building Dept.
Engineering Dept.
Town Manager
Assessor Dept.

Health Dept.
Municipal Properties Dept.
Police Chief